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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODRIGO VALDOVINOS-HERNANDEZ,  
aka "Rodrigo Tejeda-Valdovinos,"  
aka "Rodrigo Valdovinos,"

Defendant.

Case No. 2:23-mj-733-NJK

**Stipulation to Extend Deadlines to  
Conduct Preliminary Hearing and  
File Indictment (Eighth Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Clay Plummer, Special Assistant United States Attorney, counsel for the United States of America, and Joy Chen, Assistant Federal Public Defender, counsel for Defendant RODRIGO VALDOVINOS-HERNANDEZ that the Court reschedule the preliminary hearing in this case for no earlier than 60 days from the currently scheduled date of January 7, 2025, at 4:00pm. This request requires that the Court extend two deadlines: (1) the deadline to conduct a preliminary hearing, *see* Fed. R. Crim. P. 5.1(c); and (2) the deadline to file an information or indictment, *see* 18 U.S.C. § 3161(b).

This stipulation is entered into for the following reasons:

1           1.       The United States Attorney’s Office has developed an early disposition  
2 program for immigration cases, authorized by the Attorney General pursuant to the  
3 PROTECT ACT of 2003, Pub. L. 108-21.

4           2.       The early disposition program for immigration cases is designed to: (1) reduce  
5 the number of hearings required in order to dispose of a criminal case; (2) avoid having  
6 more cases added to the court’s trial calendar, while still discharging the government’s duty  
7 to prosecute federal crimes; (3) reduce the amount of time between complaint and  
8 sentencing; and (4) avoid adding significant time to the grand jury calendar to seek  
9 indictments in immigration cases, which in turn reduces court costs.

10          3.       The government has made a plea offer in this case that requires defendant to  
11 waive specific rights and hearings in exchange for “fast-track” downward departure under  
12 USSG § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is  
13 indicted and before a preliminary hearing is held.

14          4.       Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the  
15 preliminary hearing within a reasonable time, but no later than 14 days after the initial  
16 appearance if the defendant is in custody . . . .”

17          5.       However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a  
18 showing of good cause—taking into account the public interest in the prompt disposition of  
19 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more  
20 times . . . .”

21          6.       Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny  
22 information or indictment charging an individual with the commission of an offense shall be  
23 filed within thirty days from the date on which such individual was arrested or served with a  
24 summons in connection with such charges.”

1           7.     The parties previously stipulated to extend the above deadlines. Pursuant to  
2 that stipulation, the Court rescheduled the preliminary hearing for January 6, 2025.

3           8.     Defendant needs additional time to review the discovery and investigate  
4 potential defenses to make an informed decision as to how to proceed, including whether to  
5 accept the fast-track plea agreement.

6           9.     Defendant has been unwilling to meet with counsel since his return from  
7 being committed to the Attorney General for restoration of competency and defense will  
8 need additional time to review options.

9           10.    A report on the restoration of competency has been provided to the court, and  
10 a competency hearing is currently scheduled for January 3, 2025, after the defendant has  
11 twice refused transport.

12          11.    Accordingly, the parties jointly request that the Court reschedule the  
13 preliminary hearing in this case no sooner than 60 days from the currently scheduled date.

14          12.    Defendant is in custody and agrees to another extension of the deadline  
15 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.  
16 § 3161(b), provided that the information or indictment is filed on or before the date ordered  
17 pursuant to this stipulation.

18          13.    The parties agree to the extension of that deadline.

19          14.    This extension supports the public interest in the prompt disposition of  
20 criminal cases by permitting defendant to consider entering into a plea agreement under the  
21 United States Attorney's Office's fast-track program for § 1326 defendants.

22          15.    Accordingly, the additional time requested by this stipulation is allowed  
23 under Federal Rule of Criminal Procedure 5.1(d).  
24

17. This is the seventh request for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

Respectfully submitted,

JASON M. FRIERSON  
United States Attorney

/s/ Clay Plummer  
CLAY A PLUMMER  
Special Assistant United States Attorneys

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**Order on Stipulation to  
Extend Deadlines to Conduct  
Preliminary Hearing and File  
Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on the 7th day of January, 2025 at the hour of 4:00 p.m., be vacated and continued to March 6, 2025, at 4:00 p.m.

DATED this 3rd day of January, 2025.

  
HONORABLE NANCY J. KOPPE  
UNITED STATES MAGISTRATE JUDGE